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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,891	07/28/2003	Robert L. Demchick		3852

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EXAMINER

CHAMBERS, A MICHAEL

ART UNIT PAPER NUMBER

3753

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,891

Applicant(s)

DEMCHICK, ROBERT L.

Examiner

A. Michael Chambers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 18-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This action is in request for reconsideration filed October 7, 2005. This application is a Request for reconsideration (RCE) filed August 5, 2005. Claims 1-17 have been cancelled. A request for reconsideration filed December 24, 2004 and further request for reconsideration (2) filed August 11, 2004 and June 7, 2004 have again been reviewed. The request for reconsideration filed June 7, 2004, was discussed in the office action mailed August 5, 2004. The request for reconsideration filed August 11, 2004 was discussed in the office action mailed December 13, 2004. Informational disclosure statements (IDS) filed June 3, 2004 and September 17, 2004, have been considered. Copies included with the Image File Wrapper (IFW) were difficult to read, however, applicant faxed clearer copies on November 15, 2004, and both IDS have been considered. Claims 18-28 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or unobviousness.

4. Claims 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid in view of Eisner. As stated in the previous Office action, Reid discloses the claimed invention except for the recitation of an “city water inlet” being disposed on the port side and an “outlet” being disposed on the starboard side of the recreational vehicle as taught by Eisner. Note the disposition of the inlets 28 and 27, respectively disposed on the port and starboard sides of the tanks 14, 15. The particular type of vehicle recited is deemed design choice and given no patentable weight. **All of the recited vehicles are variations of vehicles which include fluid systems having inlets and outlets.** In particular Reid discloses at least two different types of vehicles. The patent to Eisner is **NOT** applied as a teaching of a recreational vehicle, but rather Eisner is applied as a teaching of modification of the disposition of water inlets and outlets to be on different sides of the vehicles of Reid as discussed above. Both patents are drawn to wheeled fluid systems and the teaching of one is readily applicable as a modifying teaching of the other. Contrary to applicant’s previous remarks the inlets and outlets are on respective different sides of the “recreational vehicle” A. The primary reference of Reid is clearly a recreational vehicle (i.e., camping trailers or boats-column 1, lines 7+). The location of the inlets and outlets of Eisner are on different sides of the vehicle as recited in the claims. Reid is applied as a teaching of a recreational vehicle having inlets and outlets. With regard to claim 28 note pump 24 of Eisner. A faucet is shown in conduit 28 (claim 27) and further is readable on a drinking fountain (claim 27). A hose connection (quick connect) is disclosed in column 2, lines 23+. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the recreation vehicle of Reid, as taught by Eisner in order to provide ease of potable water access.

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Applicant's remarks, largely drawn to an alleged lack of motivation to combine the teachings of the applied patents to Reid and Eisner were considered, however not deemed persuasive. Case law drawn to motivation have also been considered. Both patents show fluid systems on a wheeled vehicle and are both classified in class 137 (Fluid Handling). As discussed in the previous Office action, **Reid discloses the claimed invention except for the recitation of an "city water inlet" being disposed on the port side and an "outlet" being disposed on the starboard side of the recreational vehicle as taught by Eisner.** The patent to Reid teaches a recreational vehicle and the patent to Eisner is applied as a teaching of inlet and outlet disposition. One teaching is readily applicable as modifying teaching for the other in that both are teaching of wheeled fluid systems. The particular fluid of the fluid system is not a factor in whether one can be used as a modification teaching. Particular inlet and outlet disposition on respective sides of the vehicle are clearly shown in Figure 1 of Eisner (28 and 27, respectively). It is noted that port and starboard disposition are dependent on whether the point of reference is from front or the back of the vehicle of Eisner. In this case the point of reference is from the front of the vehicle which places the inlet 28 (column 2, lines 45+) on port side and the outlet 27(column 2, lines 22+) on the starboard side.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Previously cited patents to Sproule, Snyder and Gron are of particular interest. Note newly cited patent to Kerr who shows a tank having a oppositely disposed inlet 9 and outlet 13.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Michael Chambers whose telephone number is 571-272-4908. The examiner can normally be reached on Mon-Thur. 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fred Nicolas can be reached on 571-272-4931. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. Michael Chambers
Primary Examiner
Art Unit 3753

amc
December 9, 2005